

able within the permanent change of station travel account, may increase the rate per mile for mileage allowance under section 404(d)(2) of title 37, United States Code, to 15 cents per mile."

1962 INCREASE IN PER DIEM RATES; REIMBURSEMENT
FOR ACTUAL EXPENSES INCIDENT TO TRAVEL

The increase from \$12 to \$16 in the per diem allowance and the provision for reimbursement for actual expenses incident to travel up to \$30 per day provided in the amendment of subsec. (d) of this section by Pub. L. 89-718 had already been put into effect by Pub. L. 87-500, §§ 1, 2, June 27, 1962, 76 Stat. 111, which although not amending subsec. (d) of this section, had raised the per diem allowance and provided for the reimbursement for actual expenses up to \$30 per day through the device of effecting an amendment to section 303(a) of the Career Compensation Act of 1949, act Oct. 12, 1949, ch. 681, title III, 63 Stat. 813. Pub. L. 89-500 was repealed by section 75(3) of Pub. L. 89-718, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before November 2, 1966.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404a, 406, 406a, 406b, 406c, 408, 410, 411, 411a, 411b, 411e, 420, 433, 1002, 1003 of this title; title 5 section 4109; title 10 sections 1174a, 1175, 2013, 2784a.

**§ 404a. Travel and transportation allowances:
temporary lodging expenses**

(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

(2) Paragraph (1) applies to the following:

(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

(C) In the case of a member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

(d) DAILY SUBSISTENCE RATES.—Regulations prescribed under subsection (a) shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed under section 404(d) of this title for the area where the temporary quarters are located.

(e) MAXIMUM DAILY PAYMENT.—A member may not be paid or reimbursed more than \$180 a day under this section.

(Added Pub. L. 97-60, title I, § 122(a)(1), Oct. 14, 1981, 95 Stat. 1002; amended Pub. L. 99-145, title VI, § 613(a), Nov. 8, 1985, 99 Stat. 640; Pub. L. 102-25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 621, Oct. 23, 1992, 106 Stat. 2422; Pub. L. 103-160, div. A, title VI, § 621(a), (b), Nov. 30, 1993, 107 Stat. 1682; Pub. L. 106-65, div. A, title VI, § 632, Oct. 5, 1999, 113 Stat. 661; Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-159, 1654A-161; Pub. L. 107-107, div. A, title VI, § 632(a), (b), Dec. 28, 2001, 115 Stat. 1144.)

AMENDMENTS

2001—Subsec. (a)(2)(C). Pub. L. 107-107, § 632(a), substituted "a member who" for "an enlisted member who".

Subsec. (e). Pub. L. 107-107, § 632(b), substituted "\$180" for "\$110".

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a)(2)], added subsec. (a) and struck out former subsec. (a) which provided that a member of a uniformed service who was ordered to make certain changes of permanent station was to be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters.

Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a)(2)], added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a)(2)], added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a)(1), (c)(1)], redesignated subsec. (b) as (d) and inserted heading.

Subsec. (e). Pub. L. 106-398, § 1 [[div. A], title VI, § 641(a)(1), (c)(2)], redesignated subsec. (c) as (e) and inserted heading.

1999—Subsec. (a). Pub. L. 106-65 added par. (3) and substituted "paragraph (1) or (3)" for "clause (1)" and "paragraph (2)" for "clause (2)" in concluding provisions.

1993—Subsec. (a). Pub. L. 103-160, § 621(a), substituted "10 days" for "four days" in second sentence and "five days" for "two days" in third sentence.

Subsec. (d). Pub. L. 103-160, § 621(b), struck out subsec. (d) which read as follows: "In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than

10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned."

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1991—Subsec. (a). Pub. L. 102-25, § 702(b)(2), struck out "of this subsection" after "clause (1)" and "clause (2)".

Subsec. (b). Pub. L. 102-25, § 702(b)(1), struck out "of this section" after "subsection (a)".

1985—Subsec. (a). Pub. L. 99-145 substituted "shall" for "may" in first sentence, and substituted "are to" for "may" the first place it appears in second and third sentences.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, § 632(c), Dec. 28, 2001, 115 Stat. 1144, provided that: "The amendments made by this section [amending this section] shall take effect on January 1, 2002, and apply with respect to an order issued on or after that date to a member of the uniformed services to report to the member's first permanent duty station."

EFFECTIVE DATE OF 1993 AMENDMENT

Section 621(c) of Pub. L. 103-160 provided that: "The amendments made by this section [amending this section] shall take effect on April 1, 1994."

EFFECTIVE DATE OF 1985 AMENDMENT

Section 613(b) of Pub. L. 99-145 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985."

EFFECTIVE DATE

Section 122(c) of Pub. L. 97-60 provided that: "The amendments made by this section [enacting this section and amending section 411 of this title] shall take effect on April 1, 1982."

PROHIBITION ON PAYMENT OF TEMPORARY LODGING EXPENSES; EXCEPTION

Pub. L. 99-500, § 101(c) [title IX, § 9097], Oct. 18, 1986, 100 Stat. 1783-82, 1783-117, and Pub. L. 99-591, § 101(c) [title IX, § 9097], Oct. 30, 1986, 100 Stat. 3341-82, 3341-117, provided that none of the funds appropriated by the Department of Defense Appropriations Act, 1987, Pub. L. 99-500, § 101(c), and Pub. L. 99-591, § 101(c), were to be available to pay temporary lodging expenses pursuant to subsec. (a) of this section, except that during fiscal year 1987, this provision was not to apply to those military personnel with dependents in grades E-4 and below.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 411, 420 of this title.

§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this sec-

tion, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473; Pub. L. 89-718, § 57, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 91-486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96-107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98-525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99-145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103-160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 105-85, div. A, title VI, § 603(c)(2), Nov. 18, 1997, 111 Stat. 1781; Pub. L. 105-261, div. A, title VI, § 603(b), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106-398, § 1 [[div. A], title VI, § 641(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-160.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words "Secretaries concerned" are substituted for the words "Secretaries of the uniformed services" to conform to other subsections of the source statute. The words "outside the United States, or in Hawaii or Alaska" are substituted for the words "outside the continental United States or in Alaska" to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

AMENDMENTS

2000—Pub. L. 106-398 amended section generally. Prior to amendment, section authorized payment of a per diem to members of the uniformed services on duty outside of the United States or in Hawaii or Alaska and specified what elements were to be considered in determining the per diem allowance.

1998—Subsec. (c). Pub. L. 105-261 struck out subsec. (c) which authorized the Secretary concerned to make a lump-sum payment for nonrecurring expenses to certain members of the uniformed services authorized to receive per diem allowances under subsec. (a).

1997—Subsecs. (b) to (d). Pub. L. 105-85 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "A station housing allowance may be prescribed under this section for a member who is on duty outside of the United States without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska. A station housing allowance prescribed under this section may be paid in advance."

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of